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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,159	08/31/2000	Te-Kai Liu	YOR9-2000-0385US1	2619
30743	7590	06/02/2006	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			FRENEL, VANEL	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,159

Applicant(s)

LIU ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 06/24/05. Claim 1 has been amended. Claims 1-20 are pending.

Claim Rejections - 35 USC § 112

3. Claims 1-10 and 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections - 35 USC § 112

4. Claims 1-10 and 11-20 are rejected under 35 U.S.C. 112, second paragraph, has being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the claimed invention includes "How does a record entry automatically invalidate a current digital key?". How is the key invalidated? Does the key expire on a certain date? Or does the local database include a flag that indicates the key is invalid? Or is information stored on the key that indicates the key is invalidated? Or does the key emit a signal that activates/deactivates the engine of the car? For purposes of applying prior art, the Examiner will interpret this feature as any means for disabling the automobile. As such, all the dependent claims are rejected under the same rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (6,386,451) in view of Brinkmeyer et al (2001/0028295) for substantially the same reasons given in the previous Office Action. Further reasons appear hereinbelow.

(A) Claim 1 has been amended to include the word "being capable of invalidating". However, this modification does not change the breadth and the scope of claim 1 as recited in the previous Office Action and Brinkmeyer suggests at Page 2, Paragraphs 0023-0026).

(B) Claims 2-20 have not been amended are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

4. Applicant's arguments filed on 06/24/05 with respect to claims 1-20 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in which they appear in the response filed on 06/24/05.

(A) At pages 7-11 of the 06/24/05 response, Applicant argues the followings:

(1) The rejection under 35 U.S.C. 112 First and Second Paragraph.

(2) Sher does not disclose a car rental system/method.

(3) Sehr does not teach a rental car capable of invalidating a digital key.

(4) Brinkmeyer does not teach invalidation of a digital key.

(5) Brinkmeyer does not disclose creating a digital key with a digital signature which allows the car to be operated without communication between the rental car and the reservation server.

(B) With respect to Applicant first argument, Examiner respectfully reiterates that the 112 First and Second Paragraph rejection is maintained since Applicant does not provide a thorough explanation as to the words "How does a record entry automatically invalidate a current digital key?". Therefore, the rejection under 112 First and Second Paragraph rejection in the previous Office Action is hereby sustained and the rejection is made final.

(C) With respect to Applicant second argument, Examiner respectfully submits that He relied upon the reference of Brinkmeyer for such a feature. Please note that Brinkmeyer provides vehicle rental systems in which a user of the vehicle rents it only for a specific time period (See Brinkmeyer, Page 2, Paragraph 0017). Therefore, Applicant's argument is not persuasive.

(D) With respect to Applicant third argument, Examiner respectfully submits that He relied upon the reference of Brinkmeyer for such limitation. Please note that Brinkmeyer

suggests an electronic immobilizer 13 or prevention of the deactivation of the immobilizer 13 when starting up the vehicle to be brought about by means of an item of use-disabling radio call information transmitted by the control center 4 which correspond to Applicant claim feature (See Brinkmeyer, Page 4, Paragraph 0044). Therefore, Applicant's argument is non persuasive and the rejection is hereby sustained.

(E) With respect to Applicant fourth argument, Examiner respectfully submits that He relied upon the reference of Brinkmeyer for such limitation. Please note that Brinkmeyer suggests an electronic immobilizer 13 or prevention of the deactivation of the immobilizer 13 when starting up the vehicle to be brought about by means of an item of use-disabling radio call information transmitted by the control center 4 which correspond to Applicant claim feature (See Brinkmeyer, Page 4, Paragraph 0044). Therefore, Applicant's argument is non persuasive and the rejection is hereby sustained.

(F) With respect to Applicant fifth argument, Examiner respectfully submits that He relied upon the reference of Brinkmeyer for such limitation. However, Brinkmeyer suggests that the vehicle can be deactivated in order to start up the vehicle only if an authorized user has been detected during a communication between the key communication device 8 which correspond to Applicant's claim feature (See Brinkmeyer, Page 3, Paragraph 0042). Therefore, Applicant's argument is non persuasive and the rejection is hereby sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

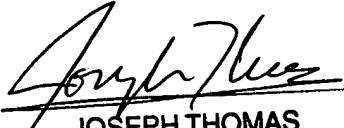
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F

V.F

September 2, 2005


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER